# PATENT COOPERATION TREATY

WRITTEN OPINION OF THE		the RNATIONAL SEAF	RCHING AUTH	ORITY	PCT					
INTERNATIONAL SEARCHING AUTHORIT   (PCT Rule 43bis.1)	To:					101				
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Applicant's or agent's file reference see form PCTASA/220  POR FURTHER ACTION See paragraph 2 below International application No. PCTASB/02000177  20.01.2005  PCTASB/0205000177  Protry Thramational Partent Cleasification (IPC) or both national dissaffication end IPC F24C1/12, G07F15/00, G07D1/04  Applicant NICHOLSON, Mark A.  1. This opinion contains indications relating to the following items:  Box No. I. Box No. II. Box No. III. Box No. IV. Lack of unity of invention  Box No. V. Lack of unity of invention  Box No. V. Passenced statement under Rule 43/bis.1(a)(i) with regard to noveity, inventive step and industrial applicability applicability; chations and explanations supporting such statement  Box No. VII. Certain defects in the international application  Pox No. VIII. Certain defects in the international application  FURTHER ACTION  If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority (*IPEA*). However, this does not apply where the applicant chooses an Authority doet than this one to be the IPEA and the chosen IPEA has contided the international Preliminary Examining Authority (*IPEA*). However, this does not apply where the applicant chooses an Authority doet than this one to be the IPEA and the chosen IPEA has contided to international Bureau under Rule 66. 16/5(b) that written opinions of this International Searching Authority will not be so considered.  If this opinion is, as provided above, considered to be a written opinion of the IPEA, as written reply together, where appropriate, with amendments, before the expiration of the morths from the date of mailing of form PCT/ISA/220.  Por further details, see notes to Form PCT/ISA/220.  Name and mailing address of the ISA:  European Patent Office This case is 2186 o Tr. S28558 spmu d						(PCT Rule 43 <i>bis</i> .	1)			
See paragraph 2 below  International application No.  PCT/SB200S/000177  20.01.2005  International Preferric Classification (IPC) or both national classification and IPC  P23.01.2004  Priority date (day/month/year)  23.01.2004  Applicant NICHOLSON, Mark A.  1. This opinion contains indications relating to the following items:  Box No. II  Box No. II  Box No. III  Box No. III  Box No. IV  Box No. VI  Carbon descended statement under Rule 43bts.1(a)(I) with regard to novelty, inventive step and industrial applicability applicability; chations and explanations supporting such statement  Box No. VII Carbain descents in the International application  Box No. VIII Carbain descents in the International application  PURTHER ACTION  If a demnant for international preliminary examination is made, this opinion will usually be considered to be a written applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has nortfled the international Bureau under Rule 66.1(b)(b) that written opinion of the IPEA has nortfled the international Europeau under Rule 66.1(b)(b) that written opinion of the IPEA, the applicant is invited to submit to the IPEA are written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/SAA220.  Name and mailing address of the ISA:  Furspean Patent Office  Pace 8 the 2389 - 0 Tr. 823656 epmu d					Date of mailing (day/month/year) see form PCT/ISA210 (second sheet)					
International application No. PCTGB2005.000177  20.01.2005  Princity date (day/month/year) 20.01.2004  Princity date (day/month/year) 23.01.2004  Princity date (princit) 23.01.2004  Princity date (day/month/year) 23.01.2004  Princity date (					FOR FURTHER ACTION See paragraph 2 below					
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# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/GB2005/000177

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1.	Wi the	e lan	regard to the language, this opinion has been establisinguage in which it was filed, unless otherwise indicate	direct file from:				
		lar (ui	his opinion has been established on the basis of a tra anguage , which is the language of a translation fun under Rules 12.3 and 23.1(b)).	IISIIGO IOI DIA POIL	Maga di uit		2, 002.0	
2.	Wi	th re cess	regard to any nucleotide and/or amino acid sequent sary to the claimed invention, this opinion has been e	ce disclosed in the stablished on the	e internation basis of:	al applic	eation and	đ
	a. 1	type	e of material:					
			a sequence listing					
			table(s) related to the sequence listing					
	b.	form	mat of material:					
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	C.	time	e of filing/furnishing:					
			contained in the international application as filed.					
			filed together with the international application in co	mputer readable i	orm.			
			furnished subsequently to this Authority for the purp	poses of search.				
3.	0	ha CC	n addition, in the case that more than one version or one case that more than one version or one case filled or furnished, the required statements the copies is identical to that in the application as filled or one case the case furnished.					

4. Additional comments:

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No. PCT/GB2005/000177

Box No. V Reasoned statement under Rule 43*bis*.1(a)(l) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

1-11

1-11

1-11

Claims

Inventive step (IS)

Yes: Claims

No: Claims

Yes: Claims

No:

Claims

2. Citations and explanations

Industrial applicability (IA)

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

# 10/5852**87**

# iAP20 Rec'd PCT/PTO 0 6 JUL 2006

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET) International application No. PCT/GB2005/000177

Re Item V.

25/06 2006 12:28 FAX 020 8293 5920

Reasoned statement with regard to novelty, inventive step or industrial applicability.

Reference is made to the following documents: 1.

D1: DE 203 01 207 U1 (SAYDA GERAETEBAU GMBH) 30 April 2003 (2003-04-30)

D2: GB 23179 A A.D. 1910 (WILLIAM EDGAR) 23 March 1911 (1911-03-23)

D3: GB-A-2 389 894 (KEITH LARKE) 24 December 2003 (2003-12-24)

D4: US-A-3 565 283 (RINALDO SCIACERO ET AL) 23 February 1971 (1971-02-23)

- The present application does not meet the criteria of Article 33(1) PCT, because the 2. subject matter of claim 1 does not involve an inventive step in the sense of Article 33(3)PCT.
- Document D1, which is considered to represent the most relevant state of the art to 3. the subject matter of claim 1, discloses a heating unit for heating a patio.
- The subject-matter of independent claim 1 differs from the disclosure of D1 in that 4. said heating unit comprises a token-operated or coin-operated meter which allows the passage of the gas to the heater for a predetermined period of time.
- The problem to be solved by the present invention may therefore be regarded as 5. reducing the waste of gas.
- The solution proposed in claim 1 of the present application cannot be considered as 6. involving an inventive step (Article 33(3) PCT) since a token-operated or coinoperated meter has already been employed for the same purpose, see document D2, page 1, lines 5 to 13. It would be obvious to the person skilled in the art (see PCT-Guldelines Part III, Chapter 13.05), namely when the same result is to be achieved, to apply these features with corresponding effect to a heating unit for a patio according to document D1, thereby arriving at a heating unit according to claim 1.

# WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

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- 7. Dependent claims 2-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT). The reasons therefore are that additional features of said claims are either known from documents D2, D3 and D4, or are combinations of the features obvious to the man skilled in the art in consideration of the disclosure of the prior art named in the present proceedings, or they concern only modifications which lie within the normal practice of the man skilled in the art.
- 8. The subject-matter according to any of claims 1 to 31 is industrially applicable (Art. 33(4)PCT).

#### Re Item VII

### Certain defects in the international application

- 1. To meet the requirements of Rule 6.3(b) PCT, the independent claims should be properly cast in the **two part form**, with those features which in combination are part of the prior art being placed in the preamble.
- The **description** must be brought into conformity with the new claims to be filed (Rule 5.1(a)(iii) PCT); care should be taken during revision, especially of the introductory portion including any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2) PCT).
- To meet the requirements of Rule 5.1(a)(ii) PCT, documents D1, D2, D3 and D4 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 4. The definition of the **problem** underlying the invention should be presented in the description in such terms that its solution can be better understood in view of the disclosure of document **D1** (Rule 5.1(a)(iii) PCT).
- 6. Moreover, the applicant's attention is drawn to the fact that, as a consequence of

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (SEPARATE SHEET)

International application No.

PCT/GB2005/000177

Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.